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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/085,619

03/01/2002

Werner Humbs

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04/05/2004

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EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/085,619

**Applicant(s)**

HUMBS, WERNER

**Examiner**

Alicia Chevalier

**Art Unit**

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**RESPONSE TO AMENDMENT**

1. Claim 11-20 are pending in the application. Claims 1-10 were cancelled in the response filed on January 20, 2004.
2. Amendments to claims, filed on January 20, 2004, have been entered in the above-identified application.

***WITHDRAWN REJECTIONS***

3. The objection to claims 11-20, made of record in paper #6, mailed October 22, 2003, page 2, paragraph #2 has been withdrawn due to Applicant's amendment in the response filed on January 20, 2004.

***REJECTIONS REPEATED***

4. The 35 U.S.C. §103 rejection of claims 11, 12, 14-17, 19 and 20 as over Shi et al. (US Patent No. 5,693,962) in view of Forrest et al. (US Patent No. 5,707,745) is repeated for reasons previously made of record in paper #6, pages 2-4, paragraph #4.
5. The 35 U.S.C. §103 rejection of claim 13 as over Shi in view of Forrest and further in view of Campos (US Patent No. 6,278,237) is repeated for reasons previously made of record in paper #6, pages 4-5, paragraph #5.
6. The 35 U.S.C. §103 rejection of claim 18 as over Shi in view of Forrest and further in view of Chen et al. (US Patent No. 6,127,693) is repeated for reasons previously made of record in paper #6, page 5, paragraph #6.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 11-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the instant case amended claims 11, 12, 17, 18 and 20 contain(s) the limitations "second electrode layer," "third electrode layer," "fourth electrode layer" The specification does have support for these terms, therefore these limitations are considered new matter.

The attempt to simplify the claim language to read better is greatly appreciated, but at the current time the specification does not support the use of these terms. Applicant is reminded that the figures can be used to support changes in the claims and the specification. Furthermore, Applicant should use the same terms in the specification as in the claims for clarity.

***ANSWERS TO APPLICANT'S ARGUMENTS***

9. Applicant's arguments in the response filed January 20, 2004 regarding the 35 USC 103 rejection of record have been carefully considered but are deemed unpersuasive.

Applicant argues that there is nothing in Shi that would lead one of skill in the art to replace the subpixels with the RGB pixel of Forrest. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either

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in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In this case the motivation comes from Forrest not Shi. As stated in the previous office action; it would have been obvious to use Forrest's RBG pixel as the first, second and third pixels in Shi because the RBE pixel allows for three colors from the *same pixel* and is highly reliable, compact, efficient and requires low drive voltages for utilization in RGB displays (*see Forrest's summary of the invention*).

Applicant further argues that even if one of skill in the art was led to combine the teachings of Shi and Forrest, one would not arrive at the present invention. Specifically Applicant argues that the cells of the present invention contain different numbers of layers of organic materials etc. Applicant's claim 11 recites "a matrix arrangement *comprising* ...." Since Applicant uses the transitional phrase "comprising" which is open language, the fact that individual cells have more layers than claimed by Applicant is irrelevant. The fact each cell contains the claimed layers.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period


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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
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